

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

|                        |   |   |
|------------------------|---|---|
| ESAW LAMPKIN, #1912325 | § |   |
| VS.                    | § | CIVIL ACTION NO. 6:18cv623<br>(Consolidated with 6:20cv288) |
| DIRECTOR, TDCJ-CID     | § |   |

ORDER OF DISMISSAL


Petitioner Esaw Lampkin, proceeding *pro se*, brings this petition for a writ of habeas corpus challenging his 2016 Gregg County conviction for driving while intoxicated, third or more. Mr. Lampkin also filed a second petition for writ of habeas corpus in Civil Action No. 6:20cv288. The two petitions were consolidated (Dkt. #3, Civil Action No. 6:20cv288). The consolidated petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation (Dkt. #79) concluding that the consolidated petition should be denied as time barred, and the case dismissed with prejudice. Mr. Lampkin has filed objections (Dkt. #82).

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Lampkin to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Lampkin's objections are without merit. Therefore, the court adopts the findings and

conclusions of the Magistrate Judge as the findings and conclusions of the court. It is accordingly

**ORDERED** that the consolidated petition for a writ of habeas corpus is **DENIED**, and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED** *sua sponte*. All motions not previously ruled on are **DENIED**.

**SIGNED** this the **5** day of **October, 2020**.

  
Thad Heartfield  
United States District Judge